

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 4, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Teresa Meier, Deputy City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of July 28, 2003, reported having done so, found same correct.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

APP. OF KATCH LLC DBA LUCKIE'S LOUNGE & RESTAURANT AT RAMADA INN FOR A CLASS C LIQUOR LICENSE AT 1101 W. BOND;

MANAGER APP. OF KATHLEEN A. HAGGE FOR KATCH LLC DBA LUCKIE'S LOUNGE & RESTAURANT AT RAMADA INN AT 1101 W. BOND - Kathleen A. Hagge, 1101 W. Bond, came forward, took the oath and was available for potential questions.

This matter was taken under advisement.

APP. OF JTM INC. DBA GRAPEVINE/CITY SPIRITS FOR A CLASS C LIQUOR LICENSE AT 2620 STOCKWELL;

MANAGER APP. OF TRAVIS P. LANGFORD FOR JTM INC. DBA GRAPEVINE/CITY SPIRITS AT 2620 STOCKWELL - Daniel E. Klaus, Attorney, 1201 Lincoln Mall, Suite 102 and Travis Langford, 1202 Lotus Street, came forward and took the oath. Councilman Cook asked if this business will remain the same with on-sale and off-sale. Mr. Klaus confirmed that it would.

This matter was taken under advisement.

CHANGE OF ZONE 3407 - APPLICATION OF MIKE MOSER FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DRIVE AND SYCAMORE DRIVE. (IN CONNECTION W/03R-197);

SPECIAL PERMIT 2017 - APPLICATION OF MIKE MOSER TO DEVELOP MAPLE VILLAGE COMMUNITY UNIT PLAN FOR 36 ATTACHED SINGLE-FAMILY DWELLING UNITS AND ONE SINGLE-FAMILY UNIT, WITH WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS; TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS IN ACCORDANCE WITH THE APPROVED COMMUNITY UNIT PLAN; TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS THAT INCLUDE PUBLIC STREETS AND PRIVATE ROADWAYS; TO WAIVE THE REQUIRED REAR YARD SETBACKS, FRONT YARD SETBACKS, AVERAGE LOT WIDTH, LOT AREA, CENTERLINE CURVE RADIUS, AND PRIVATE ROADWAY WIDTH, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DRIVE AND SYCAMORE DRIVE. (In connection w/03-109) - Brian Carstens, 601 Old Cheney Rd., Suite C, representing Mike Moser and John Morehouse came forward to explain this plan to the Council. He did note that the record should be corrected to say 32 single-family dwelling units and three single-family units.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTION 2.76.153, COMPENSATION, MERIT PAY PLAN, SHIFT DIFFERENTIAL; SECTION 2.76.200 COMPENSATION PLAN, TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION; SECTION 2.76.380 SICK LEAVE WITH PAY; AND SECTION 2.76.475, GRIEVANCE PROCEDURE, TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES NOT REPRESENTED BY A BARGAINING UNIT -

Bob Valentine, 2660 Park Ave., came forward to ask if the reclassifications were done to boost employee compensation. His additional question was regarding the merit pay that city employees get. He wanted to know the total salary increase for city employees.

Georgia Glass, Director of Personnel Dept., came forward to answer

Mr. Valentine's questions. She indicated that temporary re-classification in a higher class is a rule that allows us to pay an employee if they are temporarily assigned to do work in a job classification that is paid more than their regular job classification. She explained the percentage increases for the various city unions. Upon the employee's performance evaluation, the merit raise is determined accordingly. Council Chair Camp asked about the average increase for the Police Dept. under the contract. Ms. Glass replied that officers will receive a 3% increase and Sargents will receive a 1.5% increase, and if they are not at the top of their pay grade they could be eligible for a merit increase of 3-4%. Councilman Friendt asked about the percentage of employees that get the negotiated contract increase. Ms. Glass replied it is approximately one-half and about 98% of those eligible, actually receive a merit increase. Councilwoman Newman asked about accumulated sick leave. Ms. Glass reported this can vary regarding the union an employee belongs to, and it is paid out upon retirement.

This matter was taken under advisement.

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX TO AMEND THE DEFINITION OF "CONSTRUCTION" TO INCLUDE STREET DESIGNING; TO ALLOW FUNDING FOR DESIGN AND RIGHT-OF-WAY ACQUISITION; AND TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03);

AMENDING THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 3.26 TO LEVY AN OCCUPATION TAX ON RETAILERS OF MOTOR VEHICLE FUEL AT A RATE OF 5 CENTS PER GALLON OF MOTOR VEHICLE FUEL. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03);

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STREETS AND AVENUES, INCLUDING SIDEWALKS AND TRAILS AT A SPECIAL ELECTION. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03);

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03);

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03) -

Danny Walker, 437 E St., came forward to ask if an individual could testify at both hearings. Council Chair Camp reported that individuals could testify on infrastructure today and on the budget next week.

Allan Abbott, Director of Public Works & Utilities, came forward to explain the proposed items and showed slides regarding the city's shortfall in the money needed and the money we have in order to accomplish the goals of the Comprehensive Plan over the next twelve years.

Steve Hubka, City Budget Officer, came forward and highlighted the details regarding the bond issue for streets, sidewalks and trails.

Jan Gauger, Infrastructure Committee Tri-Chair, came forward and explained the goals of the committee were to find balance funding for the Comprehensive Plan, protect the existing community, look at the projects that had broad community involvement, and find the dollars that would further urban growth. Over the eight months the committee met, they did come up with ways to fund the gap.

Brad Korell, Infrastructure Committee Tri-Chair, came forward and explained what components were put together by the committee. For wastewater, a one time seven percent increase in rates, and this could be done by systematically increasing our water and wastewater rates over the next few years, in the range of 3-5% we can produce enough revenue to do the financing for the needs that we have in our water and wastewater system. The transportation system is being proposed by four different revenue sources, one being a general obligation bond of \$106M and that would be allocated as follows: \$92M for new construction of streets and roads; \$5M for rehabilitating existing streets and roads in our existing neighborhoods; \$6M for sidewalk repair and \$3.5 for maintaining and repairing the existing network of trails. The impact fees are another source of funding. The wheel tax is proposed to be done in years one, four and seven and will be a \$5.00 increase each year. And the final component is an occupation tax on gasoline sold at the retail locations and the proceeds from that would be dedicated for new street and road construction. Councilman Svoboda asked why the water and wastewater rates were not increased by small increments. Mr.

Korell indicated that the needs for wastewater would run about \$250M over the 12 year period. With revenue stream it can be financed, but the City will have to build the revenue stream early in the twelve year period. Councilman Cook asked about the wheel tax allocation for new construction and the percentage of increase for that particular fund. Mr. Korell said the dollars needed for new construction are very significant. Mr. Abbott reported that the first priority is the existing system of streets. We are using those dollars plus the state and federal funds to take care of the existing infrastructure. Mr. Korell reported that currently the city spends about \$14M a year on both maintenance and rehabilitating existing streets. Mr. Abbott reassured Council that the maintenance of existing systems is prioritized and that should items not pass or the bond issue fail, a system is in place. Mr. Korell stated that philosophically on behalf of the committee, there is a very strong interest in protecting and continuing the investment that we are making in our inner city. Mr. Abbott stated that the Infrastructure Committee suggested that Public Works implement a system to track the streets that need maintenance and repair. Ms. Gauger stated that was one of the frustrations the committee encountered when they could not get an exact figure on what was needed for existing street repair. Councilman Werner asked about which projects would come first. Mr. Abbott stated we did divert that money for Antelope Valley and we anticipate getting additional federal demonstration money, which will open funding for that. Councilman Friendt asked about new construction. Mr. Abbott reported that much of the construction within the first two years is within the developing city. Mr. Abbott and Mr. Korell both clarified the terms of reconstruction and new construction in existing areas of the city. Councilman Werner thanked Mr. Korell and Ms. Gauger for the time they spent on the committee. He asked if schools, police, fire and libraries were included in this infrastructure. Ms. Gauger indicated they are part of the infrastructure of the community, but they were not considered within the dimensions of this committee. Mr. Korell reported that Mr. Giovanni, who is the financial advisor to the city, works with issuing the bonds and advises the city on how to best maximize it's use of bond financing. We also presented the idea that if we moved forward with this effort to finance this infrastructure, would it jeopardize the city's efforts to go ahead with things like additional schools or whatever else might be out there? The answer is that Lincoln is in very good shape and the Angelou report that just came out that the Chamber Commission does to compare Lincoln to other areas, and the tax burden on our citizens in Lincoln is relatively low in comparison to others, so we mostly did a validation test to say, would this put in jeopardy other community initiatives to continue to provide the services that we need and we came back and concluded that we didn't feel that it did. The other test that we used is "is it reasonable?" Increases in water rates and the tax base rates for these other things are they reasonable, does it tend to make sense? We felt that, overall, the burden was manageable and that it was distributed in such a way that it did make sense. Councilman Werner asked if the committee felt the benefits of increased property taxes and increased sales tax will be beneficial? Mr. Korell stated it is very significant. Lincoln is not unique, cities our age, all across the country are finding that the investments in infrastructure that they put in years ago are wearing out and the cost to move into new areas for development are greater. We are not unique, communities are struggling with these same issues and it is a simple choice, if we want to attract employers to this community that will create the kind of jobs that will help hold our young people, we have to provide places for them to locate. Lincoln is at a very important decision point. Are we willing to make those investments in our infrastructure that will allow us to maintain the solid base of infrastructure that we have in our community today and to help the community move forward?

Councilman Svoboda asked about the occupation tax on gas and why diesel fuel is exempted. Mr. Korell replied that most diesel is sold at the wholesale level. The people using this are, however, paying more of the wheel tax, based on commercial trucks being thrown into a higher category. Mr. Svoboda then asked if we are then encouraging wholesale purchase? Mr. Korell reported not really, because dealing with the underground tanks and compliance with the Nebraska Dept. of Environmental Quality, takes a fairly sizable user to justify that. Councilman Svoboda also queried about the sunset clause in the occupation tax on gasoline. If we were able to go back through the State sometime in the future through legislation and have a reallocation

that would better serve as our revenue to the city, but are we able to scale back the five cent a gallon tax? Ms. Gauger stated that you could do that by ordinance. Mr. Korell stated we didn't spend a lot of time on that particular clause. The bonds will be in place longer than the twelve year period as we finance the construction of these things. Councilman Friendt offered his appreciation for the committee and further commented that we haven't raised our property tax mill levy for years because our sales tax growth has been so robust. We have not raised our water and wastewater rates. So, we are funding city operations somehow and I believe it is with the expansion of the city and the growth of new residences. We have refused to make that choice over the last ten or twelve years and now it is time to take out that mortgage for the future of Lincoln. Mr. Friendt asked what alternatives were considered. Ms. Gauger replied that she chaired the legislative committee and that they went into the potential of city income tax and everything they could think of. All of that requires approval by the State Legislature. They felt that with the timing of our needs and fiscal situation at the state level, that it was not feasible within the next three to four years, and in order to solve the problem that they saw as immediate, they dealt with those things that are legally possible and would raise enough funds to solve the problem. Mr. Korell referred to the problems with South 14<sup>th</sup> Street, but as an alternative we need to look at what happened with North 27<sup>th</sup> when we went back ten years ago. The city made the investment in putting infrastructure in there and it accommodated the large retailers and auto dealers that have located out there and during the late 1990's as those stores kicked in, you could see the results in the sales tax that was coming in. Our revenues are going up and our budget is in reasonably good shape in contrast to most of the communities in Nebraska, even in Omaha.

Councilwoman Newman asked about the people in the county who will not be paying any of these. Ms. Gauger indicated they had spent quite a bit of time on that topic and extending the wheel tax or the occupation tax would require state legislation, they are not authorized for either. They have talked to the County Board about that.

Bill Giovanni, President & CEO of Ameritas Investment Corp., came forward to explain the bond issuance. Lincoln enjoys a good bond rating, of AAA with Moody's and Standard and Poors. Only 39 cities in the United States have this rating. The City of Lincoln has the most optimal, most efficient access to the capital markets to borrowing money than any other municipality in the country. We are at a 38 year low level on bond rates. The parking system does operate as an enterprise fund and does have bonds outstanding against the revenues of the various parking garages. He was an ex-officio to the Infrastructure Committee. In reference to the ordinance he made three points: This is a sound plan for Lincoln's future. We disclosed to the Moody's and Standard and Poors of what is upcoming in Lincoln future for \$100M in general obligation bonds. There will be no derogation in our rating on the water and wastewater. We have the ability as a community, to finance the improvements at the lowest levels available to any other community in the country. Councilman Svoboda asked if our current bond rating is based on our low debt ratio and with this much higher debt ratio, does that jeopardize that bond rating or does the revenue stream offset that? Mr. Giovanni explained the rating agencies are well aware of what is proposed by the City and they are in constant contact with Lincoln Public Schools.

Lauren Wismer, Gilmore & Bell, came forward and stated he helped draft the resolution and could answer any potential questions.

Mike Morosin, 2055 "S" St., came forward in opposition.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition.

Bruce Bohrer, representing Lincoln Chamber of Commerce, came forward in support of these items. Councilman Werner asked about the Angelou Report that stated we had higher than average housing costs and commented that a couple of magazines noted Lincoln as one of the top cities in the US and specifically because of our low housing costs. Mr. Bohrer indicated that Lincoln was noted for quality of life, but would have to look into the other comments. Councilman Werner asked if the Chamber of Commerce would be supportive of this package if we add a wage level to the plan, so that we bring in quality jobs. Mr. Bohrer indicated that he didn't believe their organization could be supportive of that. Mr. Bohrer did suggest that investing in all of this is a benefit to the community and helps keep our children here with opportunities and upward mobility for our entire community.

Councilman Friendt stated he was shocked that a business group is coming forward and agreeing that additional taxes might be a wise investment. Mr. Bohrer noted that the Angelou report did find a lack of any available land for a project that wanted to do something similar to a campus type setting, like 150 acres. And he suggested that something under this plan would take care of that and would be an investment in the future of Lincoln. Councilman Cook stated that this was meant to build out the Comprehensive Plan that we have identified and the Chamber pushed for more land being in the plan. Now with the prices of lots and how they have risen, is it reasonable to expect everyone in the community to pay to help keep lot prices low at the edge of town? Mr. Bohrer replied that he thought it is not just the lots, but basically land being available for everyone, if it brings in a project, then that is fair then. Council members discussed several points regarding the approach to bringing in land for new businesses and the alternatives. Councilman Werner asked if the chamber took a position on the fire department bond and Mr. Bohrer responded they did not. Councilman Werner posed the following questions: if the benefit is so great, why are we having to raise taxes, shouldn't that growth have kept up with the expansion and where has that potential money gone? Mr. Bohrer responded by saying we are in a position now because we have not put the money into the infrastructure that we needed to in the last ten years. Mr. Bohrer assured him that it went to fund city services, the general fund and programs. Mr. Bohrer also stated that the budgets have increased every year on the order of 6-7% but that over the last ten years, the infrastructure has been financed by just the wheel tax, gas tax and state sales tax. So this is the first time we are considering financing options by using general obligation bonds as many other cities do. Councilman Cook asked if the impact fees fail, what would you suggest we do, wait on projects or wait to see if the impact fees are legal? Mr. Bohrer stated the city still has negotiation authority to fall back on if necessary. Councilman Camp questioned if we should re-prioritize some of the current budgetary elements so the bottom line impact on the taxpayer is reduced. Mr. Bohrer again agreed but stated they still see this as an overall investment in the community.

Roger Yant, 5640 Hunts Drive, came forward in opposition.

Danny Walker, 416 E Street, came forward and read a letter prepared by Sam Wineberg opposing money being used for bike trails. This was placed on file in the City Clerk's Office. (53)

Bob Hampton, Pres. of Hampton Development Services, 3600 Village Drive, came forward and spoke as a member who served on the Infrastructure Financing Committee. He did suggest that the city should set up the sewer and water to be operated just like Lincoln Electric System is run and managed by a private board. Councilman Werner thanked Mr. Hampton for his time on the committee and asked Mr. Hampton how the community would view the impact fee lawsuit by letting the community pay extra tax dollars while the home builders are suing the city. Mr. Hampton stated that he would not speak for the home builders because he falls into the developer group, but he stated he has always paid his fair share and will continue to do that. There has to be some fair share mechanism whether it is impact fees, utility hookups or road improvements. Councilman Werner said you can see the dilemma, the very people that are going to benefit are suing us. Mr. Hampton stated he was concerned about the negative impact on commercial development. Councilman Cook asked Mr. Hampton which he thought was more important schools and libraries or new roads? Mr. Hampton said it was unfortunate that the two bond issues may come up at the same time, but he felt that the new roads would help generate needed revenue to the city.

BREAK 4:00 P.M.

RECONVENED 4:18 P.M.

Jim Burden, 7000 NW 27<sup>th</sup> Street, came forward in support of the Personal Rapid Transit Plan. He gave a breakdown of expenditures for transportation. He would like to see the City of Lincoln consider this type of transportation plan. Councilman Camp asked why other communities haven't adopted this system. Mr. Burden stated that Japan has but they have no history and it was never installed in any cities. In Germany, the commissioners put criteria on it to make it a railway system. Mr. Burden again referenced a website where history can be obtained regarding the histories for Denver, Minneapolis/St. Paul and Los Angeles.

Bob Valentine, 2660 Park Ave., came forward in neutral position on this matter. Councilman Cook asked Mr. Valentine if he thought the gas tax was fair. Mr. Valentine answered it was a very regressive tax. Mr. Cook asked also if the Comp Plan identified a certain amount of land and a time line for growing into that space, if these tax increases aren't approved, do you think it is appropriate to revisit that and change the time line? Mr. Valentine agreed it should be reconsidered.

Larry Arnold, 8130 Joshua Drive, came forward in opposition. Councilman Werner responded to one of Mr. Arnold's questions regarding the city departments cutting back in their budgets. He assured Mr. Arnold that during the budget process for the city, each department does come forward with a figure that is 96% of their prior budget.

Ed Patterson, 2108 "Q" Street, came forward in favor of linking the Comp Plan to a budgetary plan.

This matter was taken under advisement.

APPROVING AN INCREASE IN THE MONTHLY RATE FOR THE 911 SURCHARGE FROM 50 CENTS TO \$1.00 PER LINE. (Public Hearing to be held on 8/4/03 and 8/11/03) - Steve Hubka, City Budget Officer, came forward and explained that the Hometown Security Committee studied this item and there has not been an increase since 1990.

Don Marti, Public Safety Manager at the Lincoln Municipal Airport, came forward and talked about the needs in the 911 Department.

Julie Righter, 911 Communications Manager, came forward to further explain some of the needs their department has.

Discussion among Council members ensued regarding funding for this department.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF VOCATIONAL REHABILITATION SERVICES, DEPARTMENT OF EDUCATION FOR A SUBLEASE OF SPACE AT 1010 N ST. TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Director of Urban Development, came forward to explain the renewal of this lease.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 17366 FOR THE WIDENING, RECONSTRUCTION AND IMPROVEMENTS IN S. 70TH STREET FROM LASALLE STREET TO NEBRASKA HIGHWAY 2; SOUTH 84TH STREET FROM OAKDALE AVE. TO 1500 FEET SOUTH OF NEBRASKA HIGHWAY 2; PIONEERS BLVD. FROM SOUTH 70TH STREET TO SOUTH 84TH STREET; OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO SOUTH 88TH STREET; AND PINE LAKE ROAD FROM SOUTH 84TH STREET TO SOUTH 98TH STREET; TO REFLECT CHANGES IN TRAFFIC VOLUMES AND IN THE COMPREHENSIVE PLAN GOALS - Danny Walker, 437 E St., came forward and requested written response to the total cost of all improvements and modifications and how much have such businesses like Wal-Mart, Home Depot, Menards and the new Heart Hospital contributed to the costs of said street improvements.

Scott Arganbright, Pagoda Pines Home Association, came forward to express concerns over the lack of notification from the Public Works Dept. regarding the changes for their neighborhood in terms of the security and the quality of life. Council Chair Camp asked how long ago had the houses been built in this area. Mr. Arganbright replied that they were built in 1997.

Tim O'Neill, Attorney, 121 South 13<sup>th</sup> Street, representing Vintage Heights Home Owners Association, came forward to suggest that Public Works does not need to make this intersection that wide at 88<sup>th</sup> and Old Cheney and the right turns lanes are not necessary. He proposed an amendment to maintain the current right-of-way as it exists today.

Discussion among Council members and Mr. O'Neill ensued.

Roger Figard, Public Works and Utilities, came forward to answer questions. Council Chair Camp asked if there was a way to preserve 84<sup>th</sup>

and Old Cheney intersection with the dual lanes and right turn lanes if this could be narrowed to help these neighbors with their request? Mr. Figard stated they do need the dual left turn lanes at 84<sup>th</sup> & Old Cheney, and the distance is needed to transition. We have suggested that we could grade around the amenities going into the subdivision to bring forward a use of right-of-way to leave the signs and landscaping there at the subdivision, but we still think it is important to have the 120' of right-of-way for the future. Mr. Figard suggested we have yet to see what the impact would be on these roads once the commercial businesses are completed at the southeast corner of the intersection of 84<sup>th</sup> and Old Cheney. Mr. O'Neill asked if the right turn lane could be eliminated. Mr. Figard did not believe that a right turn lane was indicated for 88<sup>th</sup> Street and Old Cheney.

John Michaelson, property owner at 88<sup>th</sup> Old Cheney, came forward. His house was built and completed in 2000. He received a letter that would put an easement within four feet of his house. He stated he didn't want the sidewalk put in and didn't want to maintain it.

Mr. Figard returned and the Council members discussed various options for possible changes at the intersection.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, representing Guy and Amy Lammle, came forward. He stated that their house was built 3 years ago at 84<sup>th</sup> & Augusta Drive in the HiMark Estates. They were aware that there was going to be a widened street, but they planted a lot of large trees and installed a vinyl fence. Now the design of the road has changed and no notice was given. Mr. Hunzeker offered an amendment asking to incorporate a hundred feet of right-of-way at 1000 feet north of the intersection of 84<sup>th</sup> & Old Cheney. Mr. Hunzeker requested the Council to treat this area as they had the area between Old Cheney and 70<sup>th</sup> Street. Councilman Cook asked how many people had been at the public hearing. Mr. Hunzeker replied the minutes reflected twenty-five people. Councilman Cook asked if the cross-section at 84<sup>th</sup> Street was expected to be built to the standard at the time within 100' of right-of-way and that was just accepted? Mr. Hunzeker said that at that time that was right but the issues had to do with the access to acreages between Pioneers and Old Cheney. Councilman Cook asked if anything had changed on the access front. Mr. Hunzeker said he believed that to be true, but the change in the right-of-way standard is a big change. We have met with Public Works about this and they have said instead of grading way back into the yard and tearing out the driveway, they are going to build a small retaining wall along side the Lammle house and the fence can go back, but the landscaping will be gone. Councilman Cook asked how much further away the sidewalk would have been under the old plan. The major concern is that within such a short amount of time after the Ordinance has been passed for the plans to change this much and to not have any opportunity to negotiate or to comment on those plans until you get a notice or a letter from the Right-of Way Acquisition people. Councilwoman Newman stated she remembered this from the Planning Commission and this was to get out in front of development so we could get the right-of-way, but in the built environment we need to be flexible. Council Chair Camp asked for clarification of the distance and it was given by Mr. Hunzeker.

Mr. Figard returned again and stated that Public Works was anticipating purchasing 106' of right-of-way at Augusta Drive and all six feet are coming on the east side for the trail that it is now on that side which includes six foot of green space from the curb to the trail and then a 10' trail. Mr. Figard asked if you plan to call this back into 100' of right-of-way, then where do you want the trail on the curb with no green space because we didn't ask for 120' of right-of-way. Council Chair Camp asked about the potential changes in width of the green space and trail. Councilwoman Newman stated she would like to pass this ordinance as it is written and leave it to Public Work's discretion to work out the details with each of the individual property owners who have problems with this. If we can't trust our staff, then maybe we shouldn't be up here. They have done an excellent job with trying to come up with solutions, they know we want the flexibility that has been talked about for the last six years and we need to leave it to their discretion.

Mr. Hunzeker returned to show a photo of the trees that will be taken out and the impact it would have on this property. Councilman Cook asked Mr. Figard if the issue was more about the trail, rather than the right-of-way. Mr. Figard explained that the trail was envisioned at

the time the study was done and that the ordinance changes doesn't have anything to do with whether or not the trees come out.

James Baker, 8127 Meredith St., representing his neighbor, Dave Copper, came forward in opposition to this matter.

This matter was taken under advisement.

USE PERMIT 123A - APPLICATION OF LANDSTAR, L.L.C. TO AMEND LANDMARK CORPORATE CENTER TO REDUCE THE REAR YARD SETBACK FROM 20' TO 17' ON THE NORTH HALF OF LOT 2, BLOCK 1, LANDMARK CORPORATE CENTER, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET, NORTH OF FOLKWAYS BOULEVARD - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Landstar, LLC, came forward in favor of this permit.

Councilman Friendt asked Ms. Kalkowski to explain the rear setback. Ms. Kalkowski stated the purpose in the reduction is to allow a drive to be located behind the building and stay out of the rear-yard.

This matter was taken under advisement.

APPROVING THE 2003-2004 MANAGEMENT AND MAINTENANCE BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2003 TO AUGUST 31, 2004 - Marc Wullschleger, Director of Urban Development, came forward to briefly explain the Business Improvement Districts.

Polly McMullen, Downtown Lincoln Association, came forward to give statistics about the downtown property values being up by approximately 9.9% and part of that (Approx. 4.5%) is due to real growth, new construction and improvements and expansions to existing properties.

Councilman Svoboda asked if the Entertainment Block area is not exempt from the BID. Ms. McMullen stated that was correct. Councilwoman McRoy thanked Polly for leading the downtown in positive directions.

This matter was taken under advisement.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 14, 2003;

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 14, 2003;

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN POLICE UNION EFFECTIVE AUGUST 14, 2003 - Georgia Glass, Director of Personnel Dept., came forward to answer potential Council questions.

This matter was taken under advisement.

AUTHORIZING REYNOLD MCMEEN DBA MISTY'S STEAKHOUSE AND BREWERY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 200 NORTH 11TH STREET FOR USE AS A SIDEWALK CAFÉ - Councilman Friendt asked if there is a gate on this particular location.

Russ Fosler, Lincoln Police Dept., came forward and stated there is a gate and updated the Council on the fact that the Liquor Commission may allow an 8' opening instead of a gate.

This matter was taken under advisement.

AMENDING THE 2002-03 CAPITAL IMPROVEMENT BUDGET TO INCLUDE THE CONSTRUCTION OF THE HIGHWAY 2 CONNECTOR TRAIL FROM 56TH STREET AND HIGHWAY 2 TO HIGHWAY 2 AND OLD CHENEY ROAD - Terry Genrich, Lincoln Parks and Recreation, came forward to answer questions. Councilman Friendt asked about the increase in trail widths. Mr. Genrich stated that the 10' width has become important due to safety issues. He also shared that the green space is especially important for the winter time, when the trails need to be cleared and trying to keep them open when the road crews push snow onto them. Councilwoman McRoy asked if the reason we were building this particular trail was because of grant funds. Mr. Genrich affirmed there were grant funds for this trail but in order to receive the funds, it has to be in the CIP plan. Council Chair Camp asked what the narrowest trail was in the system. Mr. Genrich stated he believed it to be 8'.

This matter was taken under advisement.

BREAK 6:55 P.M.

RECONVENED 7:07 P.M.



**MISCELLANEOUS BUSINESS**

Craig Groat, 4935 Huntington Ave., came forward and read several state statutes and dictionary definitions regarding the Code of Ethics.

Ed Patterson, 2108 Q Street, came forward and showed photos of the renovation taking place in his neighborhood. He suggested that the three houses that are being considered for relocation should stay in the area.

These matters were taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

APP. OF KATCH LLC DBA LUCKIE'S LOUNGE & RESTAURANT AT RAMADA INN FOR A CLASS C LIQUOR LICENSE AT 1101 W. BOND - DEPUTY CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82241 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Katch LLC dba Luckie's Lounge & Restaurant at Ramada Inn for a Class "C" liquor license for the license period ending October 31, 2003, at 1101 W. Bond Street, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.
2. The City Council has determined that the existing licenses are adequately serving the area.
3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.
4. The applicant has not demonstrated the propriety of the issuance of such license.
5. The issuance of the license will not be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APP. OF KATHLEEN A. HAGGE FOR KATCH LLC DBA LUCKIE'S LOUNGE & RESTAURANT AT RAMADA INN AT 1101 W. BOND - DEPUTY CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82242 WHEREAS, Katch LLC dba Luckie's Lounge & Restaurant at Ramada Inn located at 1101 W. Bond Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kathleen A. Hagge be named manager;

WHEREAS, Kathleen A. Hagge appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kathleen A. Hagge be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF JTM INC. DBA GRAPEVINE/CITY SPIRITS FOR A CLASS C LIQUOR LICENSE AT 2620 STOCKWELL - DEPUTY CLERK read the following resolution, introduced

by Ken Svoboda, who moved its adoption for approval:  
A-82243 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of JTM Inc. dba Grapevine/City Spirits for a Class "C" liquor license at 2620 Stockwell Street, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APP. OF TRAVIS P. LANGFORD FOR JTM INC. DBA GRAPEVINE/CITY SPIRITS AT 2620 STOCKWELL - DEPUTY CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82244 WHEREAS, JTM Inc. dba Grapevine/City Spirits located at 2620 Stockwell Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Travis P. Langford be named manager;

WHEREAS, Travis P. Langford appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Travis P. Langford be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 2ND READING

CHANGE OF ZONE 3407 - APPLICATION OF MIKE MOSER FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DRIVE AND SYCAMORE DRIVE. (IN CONNECTION W/03R-197) - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to the pay range prefixed by the letter "N"; and repealing Ordinance No. 18123, passed by the City Council on January 27, 2003, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18122, passed by the City Council on January 27, 2003, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of

Lincoln, Nebraska whose classifications are assigned to the pay range prefixed by the letter "B"; and repealing Ordinance No. 17706, passed by the City Council on August 7, 2000, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A", and "C"; and repealing Ordinance No. 18047, passed by the City Council on August 5, 2002, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges of employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18048, passed by the City Council on August 5, 2002, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "F" and repealing Ordinance No. 18049, passed by the City Council on August 5, 2002, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18050, passed by the City Council on August 5, 2002, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P" and repealing Ordinance No. 18052, passed by the City Council on August 5, 2002, the second time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTION 2.76.153, COMPENSATION, MERIT PAY PLAN, SHIFT DIFFERENTIAL; SECTION 2.76.200 COMPENSATION PLAN, TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION; SECTION 2.76.380 SICK LEAVE WITH PAY; AND SECTION 2.76.475, GRIEVANCE PROCEDURE, TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES NOT REPRESENTED BY A BARGAINING UNIT - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System by amending Section 2.76.153, Compensation, Merit Pay Plan, Shift Differential; Section 2.76.200 Compensation Plan, Temporary Assignment in a Higher Classification; Section 2.76.308 Sick Leave with Pay; and Section 2.76.475, Grievance procedure, to reflect negotiated changes and changes applicable to employees not represented by a bargaining unit; and repealing Sections 2.76.153, 2.76.200, 2.76.380, and 2.76.475 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX TO AMEND THE DEFINITION OF "CONSTRUCTION" TO INCLUDE STREET DESIGNING; TO ALLOW FUNDING FOR DESIGN AND RIGHT-OF-WAY ACQUISITION; AND TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03) - DEPUTY CLERK read an ordinance introduced Ken Svoboda, by amending Chapter 3.20 of the Lincoln Municipal Code relating to the Street Improvement Vehicle Tax by amending Section 3.20.030 to amend the definition of "construction" to include street designing; amending Section 3.20.220 to allocate funding for design and right-of-way acquisition; amending Section 3.20.230 to increase the fee schedule for the street improvement vehicle tax; and repealing Sections 3.20.030,

3.20.220 and 3.20.230 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 3.26 TO LEVY AN OCCUPATION TAX ON RETAILERS OF MOTOR VEHICLE FUEL AT A RATE OF 5 CENTS PER GALLON OF MOTOR VEHICLE FUEL. (PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03) - DEPUTY CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Municipal Code to create a new Chapter 3.26, Motor Vehicle Fuel Retailer Occupation Tax, to levy an occupation tax on retailers of motor vehicle fuel at a rate of 5 cents per gallon of motor vehicle fuel, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF VOCATIONAL REHABILITATION SERVICES, DEPARTMENT OF EDUCATION FOR A SUBLEASE OF SPACE AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and the State of Nebraska DAS/State Building Division on behalf of Vocational Rehabilitation Services, Department of Education for a lease of space at 1010 N. Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2003 through July 31, 2005 whereby the City of Lincoln is subleasing space to Vocational Rehabilitation Services, Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

#### RESOLUTIONS

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STREETS AND AVENUES, INCLUDING SIDEWALKS AND TRAILS AT A SPECIAL ELECTION. - PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR A CAPITAL IMPROVEMENTS PROGRAM FY 2003-04. - PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04. - PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03.

APPROVING AN INCREASE IN THE MONTHLY RATE FOR THE 911 SURCHARGE FROM 50 CENTS TO \$1.00 PER LINE. - PUBLIC HEARING TO BE HELD ON 8/4/03 AND 8/11/03.

APPLICATION OF SPECIAL OLYMPICS NEBRASKA, 8801 F STREET TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPT. 1 THROUGH NOV. 29, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82245 WHEREAS, Special Olympics Nebraska has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Special Olympics Nebraska to conduct a raffle in the City of Lincoln in accordance with the application filed by Brigitte Young. The City Clerk is directed to issue a permit upon the payment by

the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of

Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

Seconded by Ken Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF AMERICAN RED CROSS - LANCASTER COUNTY CHAPTER, 220 OAKCREEK DR., TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM AUG. 11 THROUGH SEPT. 13, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82246 WHEREAS, the American Heart Association has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to the American Heart Association to conduct a raffle in the City of Lincoln in accordance with the application filed by Jan Yaussi. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2017 - APPLICATION OF MIKE MOSER TO DEVELOP MAPLE VILLAGE COMMUNITY UNIT PLAN FOR 36 ATTACHED SINGLE-FAMILY DWELLING UNITS AND ONE SINGLE-FAMILY UNIT, WITH WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS; TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS IN ACCORDANCE WITH THE APPROVED COMMUNITY UNIT PLAN; TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS THAT INCLUDE PUBLIC STREETS AND PRIVATE ROADWAYS; TO WAIVE THE REQUIRED REAR YARD SETBACKS, FRONT YARD SETBACKS, AVERAGE LOT WIDTH, LOT AREA, CENTERLINE CURVE RADIUS, AND PRIVATE ROADWAY WIDTH, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DRIVE AND SYCAMORE DRIVE. (IN CONNECTION W/03-109) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-197 for one week to 8-11-03.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 123A - APPLICATION OF LANDSTAR, L.L.C. TO AMEND LANDMARK CORPORATE CENTER TO REDUCE THE REAR YARD SETBACK FROM 20' TO 17' ON THE NORTH HALF OF LOT 2, BLOCK 1, LANDMARK CORPORATE CENTER, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET, NORTH OF FOLKWAYS BOULEVARD - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82247 WHEREAS, Landstar L.L.C. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 123A for authority to amend Landmark Corporate Center to reduce the rear yard setback from 20 feet to 17 feet on the north half of Lot 2, Block 1, Landmark Corporate Center Addition on property generally located at North 33rd Street north of Folkways Boulevard and legally described to wit:

Lot 2, Block 1, Landmark Corporate Center Addition,  
Lincoln Lancaster County, Nebraska,

WHEREAS, the real property adjacent to the area included within the site plan for this reduction in the rear yard setback will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of

Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Landstar, L.L.C., hereinafter referred to as "Permittee", to amend Landmark Corporate Center to reduce the rear yard setback from 20 feet to 17 feet on the north half of Lot 2, Block 1, Landmark Corporate Center Addition on the property legally described above be and the same is hereby granted under the provisions of Section 27.51.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the required rear yard from 20 feet to 17 feet only on the area as shown on the north half of Lot 2, Block 1, Landmark Corporate Center (shown as Lot 23, Block 2 on Use Permit 123).
2. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final plan as approved along with five copies to the Planning Department.
  - b. The construction plans must conform to the approved plans.
3. Before operating and occupying the industrial buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements including shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE 2003-2004 MANAGEMENT AND MAINTENANCE BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2003 TO AUGUST 31, 2004 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82248 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 2003-2004 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2003 to August 31, 2004 are hereby approved.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 14, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82249 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union, to be effective August 14, 2003, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 14, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82250 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association, to be effective August 14, 2003, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN POLICE UNION EFFECTIVE AUGUST 14, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82251 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Police Union, to be effective August 14, 2003, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AUTHORIZING REYNOLD MCMEEN DBA MISTY'S STEAKHOUSE AND BREWERY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 200 NORTH 11TH STREET FOR USE AS A SIDEWALK CAFÉ - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82252 WHEREAS, Reynold McMeen dba "Misty's Steakhouse and Brewery" has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way at 200 N. 11th Street as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Reynold McMeen dba "Misty's Steakhouse and Brewery", hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way at 200 N. 11th Street is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of 46 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of 36" but not greater than 60" except for necessary pedestrian ingress

and egress as shown in the application.

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.

6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

9. Such space shall be used for business purposes by Permittee only between the hours of 11:00 a.m. to 11:00 p.m. Monday through Thursday, 11:00 a.m. to 1:00 a.m. Friday and Saturday, and 6:00 p.m. to 11:00 p.m. Sunday.

10. The Permittee shall comply with all health and sanitation regulations.

11. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

12. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

13. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

14. No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

15. Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

16. The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

17. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such



policies. Any termination or elapse of such insurance shall automatically revoke this permit.

18. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (562 square feet) for an annual rental of \$140.50; provided, however, said rental may be increased for future years by action of the City Council.

19. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE APPLICATION OF THE UNIVERSITY OF NEBRASKA-LINCOLN FOR USE OF THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN 4" ELECTRIC CONDUIT UNDER NORTH 14TH STREET BETWEEN Q AND R STREETS - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82253 WHEREAS, the University of Nebraska-Lincoln has submitted an application for a permit to use the public right-of-way in 14th Street between Q and R Streets for the purpose of installing a 4" fiber optic communications conduit to connect to the University of Nebraska Cultural Center; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the aforesaid application of the University of Nebraska-Lincoln, hereinafter referred to as Permittee, to use the public right-of-way in 14th Street between Q and R Streets as shown on Exhibit "B", for the purpose of installing telecommunication conduit be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (b) failure to use the space for which the permit was granted for a continuous period of at least six months or (c) upon a determination by the City that the space for which the permit was granted is needed for public use.

Upon revocation of a permit, the Permittee shall forthwith remove or abandon the space for which the permit was granted, together with the

removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Permittee.

6. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

7. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. S-66-6(1006) FOR THE CONSTRUCTION OF A 48" AND 36" WATERLINE RELOCATION IN ASHLAND AT HIGHWAY 6 AND HIGHWAY 63 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82254 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. S-66-6(1006), City Project No. 700789, for the 48" and 36" waterline relocation in Ashland at Highway 6 and Highway 63, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. STPC-5242(4) IN THE ANTELOPE VALLEY MILITARY ROAD AND BRIDGE PROJECT TO BE ELIGIBLE TO RECEIVE FEDERAL FUNDS - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82255 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5242(4), City Project No. 780103, for the Antelope Valley Military Road and Bridge Project to be eligible to receive Federal Funds, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. STPC-5242(3) IN THE ANTELOPE VALLEY Y STREET BRIDGE AND ROADWAY PROJECT TO BE ELIGIBLE TO RECEIVE FEDERAL FUNDS - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82256 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5242(3), City Project No. 780101, for the Antelope Valley "Y" Street Bridge and Roadway Project to be eligible to receive Federal Funds, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AMENDING THE 2002-03 CAPITAL IMPROVEMENT BUDGET TO INCLUDE THE CONSTRUCTION OF THE HIGHWAY 2 CONNECTOR TRAIL FROM 56TH STREET AND HIGHWAY 2 TO HIGHWAY 2 AND OLD CHENEY ROAD - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82257 WHEREAS, Resolution No. A-81670, adopted by the City Council of Lincoln, Nebraska on August 26, 2002, adopted the fiscal year 2002-2003 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-81670 as Schedule No. 5; and

WHEREAS, Resolution No. A-81670 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, the City of Lincoln has received a RTP Grant from the Nebraska Game and Parks Commission to build a trail from 56th Street and Highway 2 to Highway 2 and Old Cheney Road, hereinafter "Highway 2 Connector Trail"; and

WHEREAS, the Highway 2 Connector Trail was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be constructed in fiscal year 2002-2003; and

WHEREAS, the City desires to now construct the Highway 2 Connector Trail utilizing the grant funds received from the Games and Parks Commission; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on July 8, 2003 reviewed the construction of the Highway 2 Connector Trail from 56th Street and Highway 2 to Highway 2 and Old Cheney Road as a capital improvement project by special report; and

WHEREAS, the Planning Commission recommended that the proposed construction of the Highway 2 Connector Trail as a capital improvement

project be found to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the construction of the Highway 2 Connector Trail from 56<sup>th</sup> Street and Highway 2 to Highway 2 and Old Cheney Road is hereby found to be in conformance with the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-81670 be amended by adding the construction of the Highway 2 Connector Trail to the Department of Parks and Recreation's list of capital improvement projects under Trail Development and Construction, on page F1 of Schedule 5.

BE IT FURTHER RESOLVED that the Finance Director is hereby directed to make the necessary adjustments of unencumbered appropriations to designate the RTP Grant for this Highway 2 Connector Trail capital improvement project.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MON., AUG. 18, 2003 @ 1:30 P.M. FOR THE APP. OF SALEM FB, LLC DBA FAST BREAK #2 FOR A CLASS B LIQUOR LICENSE LOCATED AT 2200 NORTH 48<sup>TH</sup> STREET - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82258 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 18, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the purpose of considering the Application of Salem FB, LLC dba Fast Break #2 for a Class "B" Liquor License located at 2200 North 48<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### PETITIONS & COMMUNICATIONS - NONE

#### REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF JULY 14 THROUGH JULY 18, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82259 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

INVESTMENT OF FUNDS FOR THE WEEK OF JULY 21 THROUGH JULY 25, 2003 - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82260 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER FOR TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF June, 2003: MCI WorldCom Network Service, Inc.; Birch Telecom Inc. and Subsidiaries; Excel Telecommunications, Inc.; Telco Development Group De Inc.; Sprint Communication Company Limited Partnership; Norstan Network Services, Inc.; OCMC, Inc.; Sprint Spectrum, L.P.; WWC License LLC; and Nextel West Corp. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**ORDINANCES - 1<sup>ST</sup> READING**

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION FUND, VEHICLE TAX FUND, STORM SEWER BOND ISSUE FUND, PARKING REVENUE FUND, AND PARKING LOT REVOLVING FUND WITH THE PUBLIC WORKS & UTILITIES DEPARTMENT, AND THE GOLF FUND, GENERAL FUND, AND DONATIONS FUND WITHIN THE PARKS DEPARTMENT - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, approving a transfer of unspent and unencumbered appropriations between Capital Improvement Projects within the sanitary sewer construction fund, water construction fund, landfill revenue fund, street construction fund, vehicle tax fund, storm sewer bond issue fund, parking revenue fund, and parking lot revolving fund with the Public Works and Utilities Department, and the golf fund, general fund, and donations fund within the Parks Department, the first time.

CHANGE OF ZONE 3415 - APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE A COMBINED USE PERMIT AND SPECIAL PERMIT IN THE O-3, R-T, B-2, AND B-5 ZONING DISTRICTS; TO ELIMINATE A PRE-APPLICATION FEE FOR PERSONAL WIRELESS FACILITY APPLICATIONS; AND TO INCREASE APPLICATION FEES - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, for Change of Zone 3415 - app. of the Planning Director to amend Title 27 of the Lincoln Municipal Code to eliminate a combined use permit and special permit in the O-3, R-T, B-2, and B-5 zoning districts; to eliminate a pre-application fee for personal wireless facility applications; and to increase application fees, the first time.

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 26 OF THE LINCOLN MUNICIPAL CODE TO AMEND SUBDIVISION PROCESS PROCEDURES INCLUDING REPEAL OF ADMINISTRATIVE FINAL PLATS; GRANTING THE PLANNING DIRECTOR AUTHORITY TO APPROVE FINAL PLATS; CLARIFYING WHO MAY APPEAL PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT; ELIMINATING CITY COUNCIL REVIEW OF PRELIMINARY PLATS; ALLOWING THE PLANNING DIRECTOR TO APPROVE FINAL PLATS WITHOUT A PRELIMINARY PLAT UNDER CERTAIN CONDITIONS; MODIFYING THE PROVISIONS REGARDING ACTION ON A FINAL PLAT; MODIFYING THE PROVISIONS REGARDING FILING THE FINAL PLAT WITH THE REGISTER OF DEEDS; MODIFYING THE PROVISIONS REGARDING SURVEY ERRORS AND CORRECTED PLATS; MODIFYING THE PROVISIONS REGARDING DATA REQUIRED ON PRELIMINARY PLATS AND FINAL PLATS; AND TO ADD FEES AND INCREASE FEES FOR FILING APPLICATIONS UNDER THE LAND SUBDIVISION ORDINANCE - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, app. of the Planning Director to amend Title 26 of the Lincoln Municipal Code to amend subdivision process procedures including repeal of administrative final plats; granting the Planning Director authority to approve final plats; clarifying who may appeal planning commission action on a preliminary plat; eliminating city council review of preliminary plats; allowing the Planning Director to approve final plats without a preliminary plat under certain conditions; modifying the provisions regarding action on a final plat; modifying the provisions regarding filing the final plat with the Register of Deeds; modifying the provisions regarding survey errors and corrected plats; modifying the provisions regarding data required on preliminary plats and final plats; and to add fees and increase fees for filing applications under the land subdivision ordinance, the first time.

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 14 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROCEDURE FOR VACATION OF PUBLIC WAYS AND ESTABLISH A FILING FEE - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, app. of the Planning Director to amend Title 14 of the Lincoln Municipal Code to amend the procedure for vacation of public ways and establish a filing fee, the first time.

**ORDINANCES - 3RD READING**

AMENDING ORDINANCE NO. 17366 FOR THE WIDENING, RECONSTRUCTION AND IMPROVEMENTS IN S. 70TH STREET FROM LASALLE STREET TO NEBRASKA HIGHWAY 2; SOUTH 84TH STREET FROM OAKDALE AVE. TO 1500 FEET SOUTH OF NEBRASKA HIGHWAY 2; PIONEERS BLVD. FROM SOUTH 70TH STREET TO SOUTH 84TH STREET; OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO SOUTH 88TH STREET; AND PINE LAKE ROAD FROM SOUTH 84TH STREET TO SOUTH 98TH STREET; TO REFLECT CHANGES IN TRAFFIC VOLUMES AND IN THE COMPREHENSIVE PLAN GOALS -

**\*\*VERBATIM OF VOTING SESSION\*\***

CAMP: If I may, I would like to introduce three amendments and I suppose I would do it in order. The first amendment you do not have before you, but it would say from Pagoda Pine on Pioneer near east to 84<sup>th</sup> Street that we do a four foot sidewalk and two foot green space so that narrows from the five foot sidewalk and the six foot green space and that would be on the south side. So that is my motion.

SVOBODA: Second.

CAMP: And the reason for my motion is this would effect the Pagoda Pines Townhouse folks and this would could potentially save one of the two lines of trees, even if it didn't it would allow Public Works to work with them in a design to provide greater shrubbery and help them in that regard. I would like to see Public Works work on that line of site for those two lots. I do want to thank Public Works for all that they have done and in visiting with the folks there at Pagoda Pines I guess I am trying to take the monkey off their back and I think in this one case or this particular case, we need to go with these revisions. Questions or discussions of my colleagues? Mr. Cook.

COOK: Well, I am really concerned about so little space between the sidewalk and the curb. I just am imagining what it is like on snowy days when the plows push the snow up over curb and then the homeowner has to go out and shovel that off the sidewalk. They will have that responsibility and all I can say is that if you give me a choice, I would want the sidewalk further away from the curb. I would not want to have to go out there and compete with the snow plow every time it snowed, so I think this is a bad idea. I think we should try to get space if we can for snow removal. When it snows in Nebraska, we never know how snowy the winters may be, but we do have an ordinance that requires people to clear their walks by 9:00 a.m. and I think that we should at least not make it more difficult for them by designing a project badly, that is why I don't support the two foot setback.

WERNER: Mr. Figard, regardless of how this is designed, we are not going to save those trees, right, because of the site line?

FIGARD: I think that is correct and regardless of the offset, and just with the grading the trees that are in the right-of-way would need to come out.

WERNER: Then I too, can't support this. I think this is a mistake.

CAMP: Mr. Figard if you would just stay here. Now, when you say the site line is that the site line from 84<sup>th</sup> or from that, gosh I keep forgetting the other little cut in there for that right turn. I guess what I understood earlier is that you weren't sure whether that line of trees could be saved.

FIGARD: I think the trees that are in our right-of-way need to come out, just the grading and elevation change in the intersection, they are going to come out and I don't think we have a potential to save those.

CAMP: I would hope you would really look at that, just as my colleagues go along and I was talking with Mr. Frederickson earlier, they wanted to work with those homeowners and see what we can do and if the trees do have to still, they would give space that more shrubs could be put in and it would give them more setback, so I would like to encourage my colleagues to consider this flexible element. Ms. Newman.

NEWMAN: Jon, I agree with you. I am just not prepared to put it in the

ordinance and, once again, I come back to I hope they will be as flexible as they can be and go out to all these individual places and come up with what they feel are the best for the community as a whole.

CAMP: I just want to put an end to it from both Public Works standpoint and I am willing to take the monkey on my back and if there is not problems down the road, call me . . .

COOK: You will come shovel?

CAMP: No the property owners will shovel, I just and I just think the time is ending and I know that Public Works needs to proceed with 84<sup>th</sup> Street and we need to get that done and that is the big picture here, and so right or wrong or indifferent, we have so many other examples of this where we have worked throughout the city to have this type, even worse situations.

FIGARD: Maybe in an effort I am willing to take some of that monkey back. I think that we have demonstrated throughout the whole process that we have been willing to try to compromise and that we have been willing to pull in. I'll lump this one in with along 84<sup>th</sup> Street, where Mr. Hunzeker is asking for additional consideration for those trees. The ordinance doesn't say to buy 106'. It says to buy a minimum of 100', and I guess I am willing to stand here and pledge to each one of you that the ordinance moves ahead, we will still continue to work with Mr. Hunzeker and the Lammle's to reduce the impacts to save potentially what trees can be saved in that area. I guess in saying that I am looking at you and you are going to have to tell me that you are willing to have that trail come closer to the curb in front of that property perhaps. I don't think we can save all of the trees, but that would allow us flexibility in perhaps buying a little less than 106' that we currently have designed. That we would work with the folks along east of Pagoda on that south side to make sure that we have looked at it, and not remove or take out anything more than what is necessary. I guess the other thing that I need to bring to your attention at this point in time is that I think when we in Public Works make mistakes we need to stand up and say we made a mistake and through the process of the last couple weeks and tonight, I realize that we have made a mistake in part of what we were proposing. The environmental assessment and the plans that were prepared called for a trail on the north side of Pioneers, west of 84<sup>th</sup> Street. In further investigation, I have come to the conclusion and confirmed with Parks that the future Comp Plan and trails plan does not call for a trail on the north side of Pioneers from 84<sup>th</sup> down to Antelope Creek. As such, again it doesn't change what the ordinance would say, but I would tell you that we will remove the proposed trail that was proposed in there, and propose putting in a five foot sidewalk which reduces that width three feet and further reduces the impact on the yards on the north side, Mr. Baker and others. Again that is not embodied in the ordinance, but again I think to show that we were in error and I am not sure how that error occurred, but no one likes to make mistakes, but there is no value in doing anything other than admitting it appears we don't need that. So I would do that. Along Pioneers, or excuse me, along Old Cheney between 84<sup>th</sup> and 88<sup>th</sup> Street, I guess again we would continue to say that we are going to build the roadway that is shown but we will limit absolutely to the minimum the encumbrance on the private property and even if there is 120' of right-of-way there, we won't grade into what is out there. In the future the right turn lane could be put in, but that would take a process back here as well. I have talked to Mr. Hunzeker, I think that he is willing to work with us over there on 84<sup>th</sup> Street. I think the ordinance that is in front of you could be approved and the burden is on us to go ahead and work this out. Really it appears to me that we are down to three locations, in front of Lammle's along the south side of Pioneers, east of Pagoda and down at 88<sup>th</sup> Street. Those three issues to massage and try to further reduce the impact. And I will commit to you that we will do that, and report back to you on a regular basis, how we are doing with those three locations.

CAMP: I appreciate that very much. It is not a matter of pointing fingers and saying there is blame, I want to provide the finality to it for the homeowners and I think that is my concern and if you are saying you would do that, why not just put it in the ordinance or those three things we are going to do. Is there? . . .

FIGARD: Because what I can't really do is describe to you whether it is going to be exactly a four foot walk, a five foot walk, three foot off

the curb, four foot, exactly how many trees are going to come and that is the difficulty of the ordinance part itself and I think that is why it said, 100' minimum right-of-way and then only buy what you have to and we have pulled those things in, so I have to leave that to your judgement.

CAMP: I was going to comment on what Mr. Hunzeker proposed, he just said 100' right-of-way and that way it would let you massage it however you want. Mr. O'Neill had a narrowing to the 100' right-of-way. I was the one with the Pagoda Pines that was real specific and maybe if you give me some, I would like to provide the finality. My colleagues have some comments. Mr. Friendt did I see your hand?

FRIENDT: Well, I think the specific recommendation you are making is not one I can support. I believe that Public Works and I trust Mr. Figard to follow through in a matter in spirit and intent that we've worked through here understanding that at the same time people want finality, they want specifics from an engineer and I think that I am comfortable allowing the engineers to work through this and then get to something that is final.

WERNER: Well, I agree with Mr. Friendt, and I think that Public Works and Mr. Figard have made valiant attempts to try to please everyone and have the best interest of the homeowners and I think very sympathetic to their needs and I don't think I am going to support any motions to amend and I am actually ready to vote on the main motion and again trust Public Works to work and do the best possible thing they can. So.

NEWMAN: I guess with the condition that yes, that is what we expect and you know that is what we expect, is that flexibility and it is already in there when possible existing trees will be preserved and bike lanes will turn into sidewalks where necessary.

WERNER: Patte would like to set up an appointment for the first 20 below zero day to meet you out there to talk about that.

NEWMAN: That was Allan, it wasn't Roger.

FRIENDT: Well it helped me to understand how we have tried to mitigate moving from one standard and then realizing that you can't just go into environment and make that stick. So I am comfortable with the compromises that have been attempted and will be worked out. It certainly helps me to know that there is a sensitivity that we just don't switch from one standard to another and just say "bang" here is the blueprint and sorry.

FIGARD: The only caveat I would like to make in that concession or that commitment on our part is in working with folks on the south side of Pioneer, I don't believe that I am comfortable in saying Jon, that I will guarantee you we will go down to the two foot. I am willing to look at grading to save trees perhaps a consideration of the four foot walk in that area, but based on comments from other council members as well of being reluctant to move that sidewalk in too close, that would be the one thing and I don't want to leave here with you thinking I would automatically assume we would move that in to two feet, but beyond that about anything else we can do to the point of narrowing the five to four for a short distance, some additional grading and whatever to save as many trees as possible, we will do.

CAMP: I think in response to that I am going to support my motion on this amendment is on the floor and we will at least vote on that one, and I am going to vote for it. In this particular case, even if the trees cannot be saved, I have been out there on the deck that over looks that and it is close and I just think here is a situation because I have seen so many other rights-of-way that have a two foot green area and where there is no residential, I feel very strong that I want to help these homeowners keep a reasonable amount of security and distance and they realize to they may lose the trees, but really I understand and agree with our philosophy and intent in the Comp Plan to allow adequate area for snow removal on this two block section we can, I want to encourage you to live with that, and recognize it is not a perfect world.

FIGARD: The other thing I guess I would add just to make sure everyone does know is that any time we take property certainly, we try to appraise the value of things there before and afterwards. I think Public Works has encouraged our right-of-way folks to try to work with homeowners to put back in larger landscaping and trees where there is space to do that to try to hurry up and build back some of that security when we can. We can't always do that but I did want you to know that just because we take down a mature tree, we try to support getting as big a tree back in where there is a space to do that and re-establish that. I know we did that along South 27<sup>th</sup> Street a couple years ago



between Highway 2 and Old Cheney with the homeowners there.

SVOBODA: Well, I guess what is most frustrating to me on this is this isn't a twenty-five year old development that is through here, it is a ten year old or less development and as it relates to a couple of those homes such as the ones on 88<sup>th</sup> and Old Cheney and the one on Augusta and 84<sup>th</sup>, they are within just a few years old and recognizing that they dealt with the best of their knowledge built that homes based on what they knew the standards were at that time that a great deal of flexibility, I think we have to work with. Based on that, I am certainly not, I am perfectly comfortable with Jon's amendment only because I don't want to design the system, cut down the trees for twelve days of snow, out of 365 day year. It is just not that big of a deal, if they have to go out there and if they recognize they are the ones that are responsible for the snow removal, and I know, it ultimately you would like to have that wider space between the curb and the sidewalk, but in this particular area . . .

FIGARD: And certainly not to argue, but one component we have not talked a lot about in that space is that it is not just storage, it is a safe component for people that walk and I live at 56<sup>th</sup> & Normal and right along 56<sup>th</sup> Street the sidewalk is right on the curb and I now walk my grandson occasionally, and I am not very comfortable and I certainly wouldn't be comfortable in having my children out there by themselves, so it is with that thought in mind, we are recommending that bigger setback, not trying to shove it down someone's throat and not that it is just the maintenance and the snow issue, it really is, are those pedestrians really safe. It doesn't take much to trip and if you are walking along that edge and there are only two feet, you can fall in, there are even pickup mirrors in a few instances, large enough if you are driving that curb, when the sidewalks up there that you could be bumped. So for people that do walk, the other component was safety.

CAMP: And Roger, if I may, I don't disagree with that, siting 56<sup>th</sup> & Normal vs. 84<sup>th</sup> & Pioneers, I don't think we will have as much is also another consideration. I am not trying to make that insignificant, but again I still am supportive of the narrower green space, at least we have some. Mr. Cook?

COOK: No, I am ready to vote on this amendment.

CAMP: Any other questions?

SVOBODA: I would just like to say that on 70<sup>th</sup> Street between what, Bison Drive and whatever that is down at the bottom south of, or north of Old Cheney Road, when it suited our best needs, we eliminated the sidewalk on that side below the retaining wall and I guess that was the point of my asking you that at the pre-council this morning, was that in some communities they just simply have a bike path on one side, if it is a wide enough bike path that is so.

CAMP: Madam Clerk, please call the role on the amendment which would call for a four foot sidewalk and a two foot green space between Pagoda Pines and 84<sup>th</sup> Street, along Pioneer.

CLERK: Friendt?

FRIENDT: No.

CLERK: McRoy?

MCROY: No.

CLERK: Newman?

NEWMAN: No.

CLERK: Svoboda?

SVOBODA: Yes.

CLERK: Werner?

WERNER: No.

CLERK: Camp?

CAMP: Yes.

CLERK: Cook?

COOK: No.

CLERK: Motion lost, two to five.

**REGULAR MEETING**

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CAMP: I had said I had two other amendments with what Mr. Figard has said and recognizing the vote and the comments made here, unless Mr. Hunzeker has further comments on the 84<sup>th</sup> and Augusta? I will abstain from introducing those and just emphasize my concern and appreciation of what Mr. Figard has said to us and I would look to him to be very, very flexible. Mr. Werner. Mr. Cook.

COOK: That is what I wanted to say, I appreciate all the work Public Works has put in on this. I know it has been difficult and I know they have to work with a lot of very individual cases, but I believe that they are trying as hard as they possibly can to minimize these impacts. I think they will continue to do that. I think we have given a clear indication of how important that is to us. I would ask Madam Clerk that the comments made during this voting session be recorded in the minutes so that they are there for future reference since we did talk about some particular cases. So I am comfortable going ahead with this as it is written, knowing that Public Works will take great care to minimize the impacts in those few remaining cases where we still need to have discussion.

CAMP: Any other comments by my colleagues? I guess my final comment that I hope this can be done in a fairly quick process. If there are difficulties, my office and my phone are open for discussion and I pledge to the constituents that I want to help them achieve a good result here. With that Madam Clerk, we are on the main motion of Item 22, the ordinance, would you please call the vote?

**\*\* END OF VERBATIM \*\***

CLERK Read the following ordinance, introduced by Terry Werner, amending Ordinance No. 17366 for the widening, reconstruction and improvements in S. 70<sup>th</sup> Street from Lacily Street to Nebraska Highway 2, South 84<sup>th</sup> Street from Actual Ave. to 1500 feet south of Nebraska Highway 2; Pioneers Blvd. from South 70<sup>th</sup> Street to South 84<sup>th</sup> Street; Old Cheney Road from Nebraska Highway 2 to South 88<sup>th</sup> Street; and Pine Lake Road from South 84<sup>th</sup> Street to South 98<sup>th</sup> Street; to reflect changes in traffic volumes and in the Comprehensive Plan Goals, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18214** is recorded in Ordinance Book No.259, Page

CHANGE OF ZONE 3406 - APPLICATION OF JERRY AND JANET JOYCE FOR A PUD TO EXPAND THE PARKING AREA FOR EXISTING OFFICE BUILDINGS AND CHANGE OF ZONE FROM R-2 RESIDENTIAL TO O-3 OFFICE PARK, WITH WAIVERS TO THE REQUIRED MINIMUM LOT AREA, REAR YARD SETBACK, PARKING IN THE FRONT AND SIDE YARDS, AND PARKING LOT SCREENING, ON PROPERTY GENERALLY LOCATED AT 81ST AND O STREETS - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, Change of Zone 3406 - app. of Jerry and Janet Joyce for a PUD to expand the parking area for existing office buildings and Change of Zone from R-2 Residential to O-3 Office Park, with waivers to the required minimum lot area, rear yard setback, parking in the front and side yards, and parking lot screening, on property generally located at 81<sup>st</sup> and O Streets, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

The ordinance being numbered **#18215** is recorded in Ordinance Book No.259, Page

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to August 11, 2003.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA        Moved to approve the resolutions to have Public Hearing on  
                 August 11, 2003.  
                 Seconded by Newman & carried by the following vote: AYES: Camp,  
                 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT

7:54 P.M.

SVOBODA        Moved to adjourn the City Council meeting of August 4, 2003.  
                 Seconded by Newman & carried by the following vote: AYES: Camp,  
                 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
                 So ordered.

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Teresa J. Meier, Deputy City Clerk

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Glenna Graupmann, Senior Office Assistant

